

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
DECEMBER 14, 2004



A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:30 p.m. by Mayor Harry Goode.

1. Reverend Tim DeMoranville, Harbor City Church of the Nazarene, gave the invocation.
2. Pledge of Allegiance
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Richard Contreras	Vice Mayor, District 1
	Mark LaRusso	Council Member, District 2
	Kathy Meehan	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Amy W. Elliott	Assistant City Manager
	Cindy Dittmer	Planning & Economic Development Director

Absent: Loretta Isenberg-Hand Council Member, District 6 (ill)

4. Proclamations and Presentations

None.

5. Approval of Minutes - November 23, 2004 Regular Meeting

Moved by Meehan/Walker for approval. Motion carried unanimously.

6. City Manager's Report

City Manager Jack Schluckebier referenced the following items from the written report:

- *St. Johns River Water Management District* – City staff has been working cooperatively with the SJRWMD staff and other agencies on long term permitting issues. The City is trying to guarantee its allocation and use of Lake Washington among the midst of several potentially large customers. Additionally, it looks as if the federal government is going to be a big funding partner in the dredging of Lakes Sawgrass and Hell 'n Blazes.
- *South Brevard Senior Center* – The City awarded \$50,000 in Community Development Block Grant Funds to help defray the cost of a new building on Melbourne Avenue. However, it looks as if the County is considering a long-term lease of a new building at the Airport. It is not clear at this point whether the project

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would still qualify for CDBG funds at the new location. This issue will be discussed by the County Commission prior to the next City Council meeting.

Council Member Grace Walker stated that she has received calls from senior citizens objecting to the new plan. They feel that the current location serves people who live in the area, and they won't be able to walk to the Airport site. She suggested the City express its concerns to the County.

Council Member Kathy Meehan agreed and said that the current site serves senior citizens who live close by. Mayor Goode said he doesn't want to see anything leave the Downtown area. He recommended that the City Manager write a letter to the County expressing Council's concerns.

Council Member Mark LaRusso said there are two reasons for considering a move to the Airport – lack of ability to acquire a variance on the current site for parking and the current site not being able to accommodate future expansion. He added that he has no objection to the City Manager sending a letter to the County.

Mayor Goode replied that the parking variance could have been resolved. Mrs. Meehan said that the need to expand could be considered in the future; however, for now the center needs to stay in Downtown Melbourne.

Council Member Cheryl Palmer said she has no problem writing a letter. She recommended that Members also call each Commissioner if they feel strongly about this issue.

Following a brief discussion, Council asked the City Manager to write a letter to the County Commission indicating that the City has concerns about the senior center moving from its present location to the Airport.

Mayor Goode asked Council to consider hearing Item #30 immediately after Item #14. He noted that a witness is here to testify who lives about three hours away.

Moved by Walker/Palmer to consider Item #30 immediately after Item #14. Motion carried unanimously.

7. Public Comments

Milo Zonka, Palm Bay, provided information to Council on the Commission on Ethics "Order Finding Probable Cause" regarding Airport Director Jim Johnson. The Commission on Ethics found that there is probable cause to believe that Jim Johnson, as Executive Director of the Melbourne International Airport, violated Section 112.313(7)(a), Florida Statutes, by serving as a compensated member of an advisory board for SunTrust Bank. However, in accordance with the recommendation, the Commission determined that it would not be in the public interest to proceed further regarding this matter.

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Continuing, Mr. Zonka read excerpts from the material and commented on the information.

Mayor Goode asked Mr. Zonka what he would like for Council to do. Mr. Zonka said that he is of the opinion that Mr. Johnson displayed incorrect behavior and he would like for the City Council to make that same finding as well.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2004-85 (CU-2004-17) MAINSTREET PUB: (Second Reading/Public Hearing) An ordinance granting a conditional use to allow a bar on a 0.15-acre parcel in a C-3 (Central Business District) zoning district, located at 705 E. New Haven Avenue, between Livingston Street and Grant Place. (Owner - JMC Limited Corp.) (Applicant/Representative - E&D Mainstreet Corporation, d.b.a. Mainstreet Pub) (First Reading - 11/23/04)

City Attorney Paul Gougelman read Ordinance No. 2004-85 by title. There were no disclosures by Council. The Mayor pointed out that the applicant's representative is in the audience.

Moved by Contreras/Walker for approval of Ordinance No. 2004-85. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

9. ORDINANCE NO. 2004-86 (CPA-2004-11) INTRACOASTAL CONDOMINIUMS: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Commercial to mixed-use Commercial/High Density Residential on a 6.32-acre parcel, located on the east side of South Harbor City Boulevard, south of Cherry Street, and north of NASA Boulevard. (Owner - Intracoastal Marina of Melbourne) (Applicant/Representative - David T. Menzel, MAI Architects Engineers) (First Reading -11/23/04)

Attorney Gougelman read the ordinance by title. For the record, Mayor Goode pointed out that the applicant's representative is in the audience. There were no disclosures by Council and no comments from the public.

Moved by Meehan/LaRusso for approval of Ordinance No. 2004-86. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

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Motion carried unanimously.

10. ORDINANCE NO. 2004-87 (AR-2004-153) AND ORDINANCE NO. 2004-88 (CPA-2004-12) DAIRY/MADISON: Ordinances providing for annexation and a Comprehensive Plan Amendment designating a Future Land Use of Medium Density Residential on a 42.83-acre parcel, located west of Dairy Road, and north of Madison Avenue (a.k.a. Range Road). (Owners - Richard E. & Micheline A. Nichols, Jason W. Sauriol, Iglesia de Dios Pentecostal and Movimiento Internacional, Inc. & Development Group of West Melbourne) (Applicant - Development Group of West Melbourne) (Representative - Jake T. Wise)
- a. Ordinance No. 2004-87/AR-2004-153: (Second Reading/Public Hearing) An ordinance providing for annexation of a 42.83-acre parcel. (First Reading -11/23/04)
 - b. Ordinance No. 2004-88/CPA-2004-12: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Medium Density Residential on a 42.83-acre parcel. (First Reading - 11/23/04)
 - c. Approval of a development agreement for Madison Townhomes.

The City Attorney read each ordinance by title. There were no comments from the audience.

Moved by Palmer/Contreras for approval of Ordinance No. 2004-87. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by Contreras/Walker for approval of Ordinance No. 2004-88. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by Contreras/Meehan for approval of the Development Agreement. Motion carried unanimously.

11. ORDINANCE NO. 2004-89 (AR-2004-154), ORDINANCE NO. 2004-90 (CPA-2004-13), AND ORDINANCE NO. 2004-91 (Z-2004-994) RJP DEVELOPMENT: (Second Readings/Public Hearings) Ordinances providing for annexation, a Comprehensive Plan

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Amendment designating a Future Land Use of Industrial, and a zoning designation of M-1 (Light Industrial), on a 39.415-acre parcel located west of North Drive, east of John Rodes Boulevard, and south of Sarno Road. (Owners - William C. Potter, Co-Trustee & Hubert C. Normile, Jr.) (Applicant - RJP Development Corporation) (Representative - Jake Wise) (First Readings -11/23/04)

Attorney Gougelman read Ordinance Nos. 2004-89, 2004-90 and 2004-91 by title. There were no disclosures by Council. Mayor Goode opened the public hearing. There were no comments from the audience.

Moved by Walker/Palmer for approval of Ordinance No. 2004-89. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by LaRusso/Contreras for approval of Ordinance No. 2004-90. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by Palmer/Walker for approval of Ordinance No. 2004-91. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

12. ORDINANCE NO. 2004-92 (CPA-2004-19) AND ORDINANCE NO. 2004-93 (Z-2004-995) CITY OF MELBOURNE WATER PLANT: (Second Readings/Public Hearings) Ordinances providing for a Comprehensive Plan Amendment designating a Future Land Use of Public Lands and Institutions and I-1 (Institutional) zoning on a 314-acre parcel located on the west side of I-95 at the western terminus of Lake Washington Road. (Owner/Applicant/Representative - City of Melbourne) (First Readings -11/23/04)

The City Attorney read Ordinance Nos. 2004-92 and 2004-93 by title. There were no disclosures by Council and no comments from the public.

Moved by Contreras/LaRusso for approval of Ordinance No. 2004-92. The roll call vote

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was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

Moved by LaRusso/Contreras for approval of Ordinance No. 2004-93. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

13. ORDINANCE NO. 2004-94 (CPA-2004-20) AND ORDINANCE NO. 2004-95 (Z-2004-996) PARKWAY DRIVE AREA A ANNEXATION: (Second Readings/Public Hearings) Ordinances providing for a Comprehensive Plan Amendment designating a Future Land Use of Low Density Residential (up to six units per acre) and REU (Rural Estate Use) zoning on 110 acres, located west of Wickham Road, north and south of Parkway Drive. (Administrative request by the City of Melbourne) (First Readings -11/23/04)

The City Attorney read both ordinances by title. There were no disclosures and no comments from the audience.

Moved by Walker/LaRusso for approval of Ordinance No. 2004-94. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Contreras and Goode

Nay: Palmer

Motion carried.

Moved by Contreras/Meehan for approval of Ordinance No. 2004-95. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Contreras and Goode

Nay: Palmer

Motion carried.

14. ORDINANCE NO. 2004-96 (CPA-2004-21) AND ORDINANCE NO. 2004-97 (Z-2004-997) PARKWAY DRIVE AREA B ANNEXATION: (Second Readings/Public Hearings) Ordinances providing a Comprehensive Plan Amendment designating a Future Land Use of

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Low Density Residential on parcels totaling 116 acres and REU (Rural Estate Use) zoning on 88.45 acres and AEU (Agricultural Estate Use) zoning on 19.96 acres, located adjacent to and west of Turtle Mound Road, south of Parkway Drive, and north of Lake Washington Road. (Administrative request by the City of Melbourne) (First Readings -11/23/04)

Attorney Gougelman read Ordinance Nos. 2004-96 and 2004-97 by title. There were no disclosures by Council and no comments from the public.

Moved by Contreras/LaRusso for approval of Ordinance No. 2004-96. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Contreras and Goode

Nay: Palmer

Motion carried.

Moved by Contreras/LaRusso for approval of Ordinance No. 2004-97. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer, Contreras and Goode

Nay: None

Motion carried unanimously.

NEW BUSINESS

At this point, Council considered item #30 (see Page 18).

Immediately after Item #30 was considered, Council recessed at 7:35 p.m. and reconvened at 7:45 p.m.

15. COUNCIL ACTION RE: Establishment of a \$239,000 budget and waiver of formal bid requirements for an emergency purchase for roof replacement at the Police Department Administration building on Apollo Boulevard.

From the agenda report: The recommendation is to approve an appropriation from fund balance in the General Fund of \$239,000 and waive formal bid requirements to proceed with the emergency roof replacement at the Police Administration building.

Moved by Contreras/LaRusso for approval of the recommendation. Motion carried unanimously.

Moved by Palmer/Walker for the City Council to convene as the Melbourne Downtown Community Redevelopment Agency for the following item. Motion carried unanimously.

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16. COUNCIL ACTION RE: Approval of consulting contract for engineering design services for Downtown Melbourne Lighting and Streetscaping, Phase III, Project No. C04102, Baskerville-Donovan, Inc., Melbourne, FL - \$219,730.

City Engineer Howard Ralls reviewed the agenda report. The recommendation is for approval of the contract with Baskerville-Donovan, Inc. in the amount of \$219,730.

Mayor Goode said that the work being proposed has already been done in Downtown Melbourne. He added that he believes this is more of a “cut and paste” job. The Mayor proposed that the contractor either lower its cost or include the remainder of New Haven Avenue, to the point where it meets Strawbridge Avenue east of Front Street.

Moved by Goode/Palmer to request Baskerville-Donovan either lower its price or include the remainder of New Haven Avenue in this contract.

Mrs. Walker said she agrees with this request.

The Mayor asked the contractor’s representative if she has the authority to accept this. He added that it would be different if they had to reinvent the wheel; however, they will be doing work that has already been done. Additionally, there are enough surveys of the area on file that the City shouldn’t have to pay \$37,000 for survey work.

The representative replied that she would take this back to her company.

The motion was withdrawn to allow the item to be postponed.

Mr. Schluckebier said that the Mayor discussed this issue with him prior to the meeting. He (the City Manager) spoke with Planning staff and learned that the fee is somewhat higher because it includes design work along with services during construction.

Moved by Contreras/Meehan to postpone this item until the January 11, 2005 meeting. Motion carried unanimously.

Moved by Contreras/LaRusso to reconvene for the remainder of the agenda items. Motion carried unanimously.

17. COUNCIL ACTION RE: Contract award for the construction of the Pineapple Avenue pedestrian bridge, Project No. 04202, JAM Construction Services, Inc., Titusville, FL - \$115,429; and a transfer of \$31,122 from General Construction Miscellaneous Projects to this project budget.

Mr. Ralls briefed Council. The recommendation is to approve the contract with Jam Construction, Inc. in the amount of \$115,429 and transfer \$31,122 from General Construction Miscellaneous Projects to this project budget.

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Moved by LaRusso/Walker for approval of the recommendation. Motion carried unanimously.

18. COUNCIL ACTION RE: Change Order No. 1 to the D. B. Lee Wastewater Treatment Plant Demolition, Phase III, Project No. 04317, for the demolition of the Wickham Road elevated water tank, Cross Environmental Services, Inc., Crystal Springs, FL - \$91,650.92.

Mr. Ralls reviewed the agenda report. The recommendation is to approve Change Order No. 1 to the Cross Environmental Services, Inc. contract in the amount of \$91,650.92.

Moved by Contreras/LaRusso for approval of the recommendation. Motion carried unanimously.

19. COUNCIL ACTION RE: Task Order No. 7 to CH2MHill's contract for engineering services during the bidding phase for the John A. Buckley Surface Water Treatment Plant, Phase II, Project No. C02303 - \$80,000.

Mr. Ralls briefed Council. The recommendation is to approve Task Order No. 7 to CH2MHill's contract in the amount of \$80,000.

Moved by Palmer/Meehan for approval of the recommendation.

At the request of Vice Mayor Contreras, the City Manager updated Council on a previous change order issue with CH2MHill. He said he believes the firm will accept the alternative change order in the amount of \$75,000. And, staff believes it is in the City's best interest to have the same firm complete the bidding with its design documents.

The question was called. Motion carried unanimously.

20. COUNCIL ACTION RE: Supplement No. 214 to the Continuing Consultant's Contract for miscellaneous waterline projects, Project No. 05317, Frazier Engineering, Inc., Melbourne, FL - \$72,500.

Mr. Ralls briefed Council. The recommendation is for approval of Supplement No. 214 to the Frazier Engineering, Inc. continuing consultant contract in the amount of \$72,500.

Moved by Walker/Goode for approval of the recommendation. Motion carried unanimously.

21. CONSENT AGENDA:

Moved by Contreras/LaRusso for approval of the Consent Agenda. Motion carried unanimously.

The Consent Agenda was approved as follows:

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- a. Approval of an interlocal agreement between the City of Melbourne and the City of West Melbourne regarding the proposed Madison Avenue right-of-way.
- b. A request to proceed with legal action to recapture the City of Melbourne's \$45,000 SHIP investment in property located at 2905 Carver Street.
- c. Contract award for the purchase of traffic materials, Allied Tube & Conduit, Harvey IL - \$27,949 total estimated annual cost; and assorted aluminum sign blanks, Vulcan Aluminium, Foley, AL - \$28,127.50 total estimated annual cost.
- d. Purchase of a Pierce custom contender fire pumper truck, Pierce Manufacturing, Inc., Appleton, WI - \$205,622.
- e. Purchase of self-contained breathing apparatus upgrade kits and accessories, Fisher Safety, Tampa, FL - \$91,950.21.
- f. Purchase of five 2005 vehicles: GMC Sierra P/U Truck, Alan Jay Pontiac GMC, Sebring, FL - \$20,321; Chevrolet Silverado P/U Truck, Champion Chevrolet, Tallahassee, FL - \$15,698; Chevrolet Blazer SUV, Alan Jay Chevrolet Cadillac, Sebring, FL - \$18,844; Ford Ranger P/U Truck, Don Reid Ford, Maitland, FL - \$14,242; Chevrolet Blazer SUV, Alan Jay Chevrolet Cadillac, Sebring, FL - \$18,549.
- g. Purchase of Noveon Aquafeed 600 antiscalant, Systems Solutions, Englewood, FL - \$0.605/pound; \$40,973.63 estimated annual cost.
- h. Blanket purchase order for annual legal and display advertisements, Cape Publications, Inc., Melbourne, FL - \$25,000.
- i. Emergency purchase of light poles and fixtures, Musco Lighting, Clermont, FL - \$57,060; and the emergency purchase to restore electrical service to new poles, straighten, re-set, and align remaining poles, and furnish and install outfield barrier netting, Dixon Electric, Cocoa, FL - \$29,700.
- j. Purchase of supervisory control and data acquisition (SCADA) iFIX software support service for the Wastewater and Water Treatment Plants, Gray Matter Systems, Melbourne Beach, FL - \$20,260; and transfer of \$20,260 from Water & Sewer Contingency to Information Systems.
- k. Emergency purchase of light poles, fixtures, and related light apparatus for repair of storm damage at Jimmy Moore Park, Dixon Electric, Cocoa, FL - \$53,900.
- l. Resolution No. 1912: A resolution authorizing the City Manager to execute the second amendment to the easement and license agreement for the Causeway Center, Hynes Properties, LLC.

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- m. Resolution No. 1913: A resolution authorizing the City Manager to submit a grant application to the United States Department of Homeland Security, through the Florida Department of Law Enforcement, acting on behalf of Region V, to purchase a mobile command post and a radio communications system.

22. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the Consent Agenda.

23. RESOLUTION NO. 1914: A resolution approving an interlocal agreement between the City of Melbourne and Jacksonville Economic Development Commission (JEDC) relating to the issuance of special facility airport revenue bonds in an amount not to exceed \$1,520,000 for the purpose of providing funds to make loan(s) to Sheltair Melbourne, Inc. to finance the costs of the acquisition, construction, renovation, expansion, improvement, and equipping of general aviation facilities at Melbourne International Airport.

From the agenda report: The Holland Sheltair Aviation Group has an aviation facility at Melbourne International Airport, which it intends to expand. In order to finance the \$1.52 million in improvements, Sheltair has negotiated an arrangement with the Jacksonville Economic Development Commission (JEDC), a public agency. The JEDC will authorize the issuance of a low-interest bond, and the proceeds will be used to benefit Sheltair.

The bond will be an industrial development bond, and Sheltair will be responsible for payment. Neither the City of Melbourne nor the Melbourne Airport Authority will be liable in any way for the issuance or payment of the bond. All that is needed for the project to move forward is for the City Council to approve the project by adoption of an interlocal agreement. The Airport Authority has already approved the project.

Attorney Gougelman read Resolution No. 1914 by title.

Mrs. Palmer said that the Airport Authority minutes are not clear on how this money will be used at the Melbourne Airport. She added that she is concerned about this because of Sheltair and the F-16 (fighter planes operating out of Melbourne Airport) issue. She asked for clarification as to how this money will be used.

Todd Anderson, representing Sheltair, said that the \$1.5 million in bond money will be used to expand hangar facilities at the Airport. He added that this method allows a cost savings for them with no liability on the City's part.

Mrs. Palmer asked for an overview of the expansion project. Mr. Anderson said the money will provide for hangar facilities, fixed base operator facilities, corporate aviation hangars, etc. Mrs. Palmer asked if this will have anything to do with jet training. Mr. Anderson said not that he is aware of. He added that they rent hangars and facilities to the aviation community and he is not sure of any design for jet training. Regarding the F-

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16 issue, Mr. Anderson clarified that Sheltair stepped in and allowed (the Royal Netherlands Air Force) to break its lease.

Mrs. Palmer asked if any improvements will be made to accommodate an additional type or size aircraft.

Mayor Goode commented that the City is simply being asked to bless an industrial bond issue.

Mr. Anderson said that they build aviation facilities around the state. Businesses rent from them and they have companies that do flight training. However, he noted that they don't have anything planned for this money to build facilities for military operations.

Following a brief discussion, Mr. Anderson said they plan to accommodate a single engine plane up to a corporate aircraft like a Gulfstream 4 or Gulfstream 5.

Mrs. Palmer made a motion to postpone this item until the January 11 meeting. She later withdrew the motion after learning that this is a time critical item and the applicant may lose its money if the item were postponed.

A brief discussion continued.

Moved by LaRusso/Meehan to approve Resolution No. 1914. Motion carried. Mrs. Palmer voted nay.

24. COUNCIL ACTION RE: Sale of Ramshur Towers by the Melbourne Housing Authority

- a. Presentation to Council by the Melbourne Housing Authority regarding terms and conditions of the sale of Ramshur Towers. (Requested by William Deatrick)
- b. Resolution No. 1915: A resolution authorizing execution and delivery of the second amendment to the consolidated cooperation agreement with the Melbourne Housing Authority relating to Ramshur Towers, Ad Valorem taxation, and payments in lieu of taxes.

From the agenda report: In 1970, the Housing Authority and the City entered in a Consolidated Cooperation Agreement. The Agreement provides that Housing Authority projects are considered by law to be tax exempt with regard to both real and personal property taxes. In light of that fact, so long as the Housing Authority uses the property for low-income housing, Melbourne will not levy a real property *Ad Valorem* tax against Housing Authority property. As a result, the Melbourne Housing Authority agreed to make a payment to the City in lieu of taxes for the supply of City services, such as police and fire. The annual payment is equal to 10% of all rent paid by low-income tenants less the cost of utilities but never more than what the *ad valorem* tax bill would have been, if the property were not exempt.

The Housing Authority now proposes to sell Ramshur Towers to a private developer. The

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private developer is not a charitable or non-profit corporation. The closing will likely occur in February or March 2005. After the Housing Authority obtains funds at closing, it will embark on constructing new facilities for the Ramshur Towers residents to be moved to the new facility permanently by not later than May 31, 2007.

In the meantime, the Ramshur Towers low-income residents will remain at Ramshur Towers and will be required to pay only low-income rents. The private developer will own Ramshur Towers while it is occupied by Housing Authority low-income residents. The Housing Authority proposes that Ramshur Towers should not be subject to an *Ad Valorem* tax levy and that it should only be required to make reduced payments in lieu of taxes. In essence, the Melbourne Housing Authority is seeking to perpetuate the *status quo* until not later than May 31, 2007.

Because tax exemptions are determined based on the status of real property on January 1 of any tax year, Ramshur Towers will be tax exempt for tax year 2005. However, the City Attorney and the Property Appraiser's attorney have both advised the Housing Authority that for tax years 2006 and 2007, the property will not be tax exempt. This is because on January 1 of 2006 and 2007, the property will be owned by a private developer.

Thus, the Housing Authority's proposal works for 2005, but it needs to be handled differently for tax years 2006 and 2007. The City Attorney and the Housing Authority's attorney are continuing to finalize the Second Amendment to the Consolidated Cooperation Agreement.

The City Attorney has indicated, subject to City Council approval, that an arrangement could be made to rebate part of the City's tax revenue for Ramshur Towers to the Housing Authority, withholding rebate of an amount equal to what would have otherwise been a payment in lieu of taxes, if Ramshur Towers had continued to be tax exempt.

Pursuant to the revised proposal, the private developer that will be the new owner of Ramshur Towers will pay the City *Ad Valorem* taxes due and owing. When the City determines that all municipal *Ad Valorem* taxes have been paid on Ramshur Towers, the City will reimburse the Housing Authority for the amount of City *Ad Valorem* taxes paid minus an amount equal to what would have been the amount paid in lieu of taxes provided for under the Consolidated Cooperation Agreement. The bottom line is that the City will continue to receive an amount of money equal to the payment in lieu of taxes currently received under the Consolidated Cooperation Agreement.

Ron Sellers, Chief Executive Officer, Brevard County Housing Authority, stated that the Authority is in the process of finalizing the sale of Ramshur Towers. They plan to take the revenue from that and construct a new all senior development farther south in the County. Mr. Sellers referenced the conditions of the sale and stated that the key is that the current residents will remain in place while the new facility is being built. They intend to move those residents only once.

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Mr. Sellers thanked Attorney Gougelman for his efforts in drafting this complex document.

There were no questions from Council.

Attorney Gougelman read Resolution No. 1915 by title. Mr. Gougelman asked Council for permission to make non-material changes to the agreement.

Moved by Walker/LaRusso for approval of Resolution No. 1915, with authorization for the City Attorney to make non-material changes. Motion carried unanimously.

25. COUNCIL ACTION RE: Approval of contract for the upgrade of software for the Police Department Computer Aided Dispatch and Records Management System (CAD/RMS), Tiburon, Inc. - \$745,888; authorization for the City Manager to execute contract and make minor revisions; and approval of an increase of \$79,129 to the project budget; reflecting the receipt of Brevard County 911 funds of \$56,263.72 and a transfer from Police Operations salary savings of \$22,865.28.

Police Chief Don Carey provided Council with an overview. The recommendation is for Council to approve the Tiburon software contract in the amount of \$745,888; authorize the City Manager to execute said contract and make minor revisions thereto; and recommend an increase in the project budget of \$79,129 to a new project total of \$829,649 reflecting the receipt of Brevard County 911 funds of \$56,263.72 and a transfer from Police Operations salary savings of \$22,865.28.

Mr. Contreras said he recently went on a Police “ride along” and noted that the computers in the cars have to be rebooted frequently – sometimes a half dozen times during shift. He asked if this purchase will solve this problem.

Commander Joe Hellebrand said that the software will help and it is the first step in the process. The future replacement of hardware will completely eliminate that problem.

Moved by Contreras/LaRusso for approval of the recommendation. Motion carried unanimously.

26. PRELIMINARY PLAT APPROVAL (SD-2004-09) PINEDA RIDGE SUBDIVISION: (Public Hearing) A request for conditional approval of a preliminary plat for a three-phased project containing commercial and residential uses on 70.17 acres consisting of three parcels, located on the west side of Wickham Road, south of the Pineda Causeway, across from Mariah Drive. (Owner/Applicant - Jay Moynahan, Pineda Crossing Corporation) (Representative - Joseph W. Mayer, P.E., Bussen-Mayer Engineering Group, Inc.) (P&Z Board - 11/18/04)

Planning and Economic Development Director Cindy Dittmer reviewed the agenda report. The Planning and Zoning Board unanimously recommended conditional approval of SD-2004-09, consisting of a three-page plan prepared by Bussen-Mayer Engineering Group of Merritt Island, Florida, with a stamped and sealed date of November 17, 2004, which

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includes a variance from the subdivision regulations [Appendix D, Chapter 8, Section 8.6(b) (1) (b)] to not connect to the adjacent subdivision to the west at Long Leaf Drive, with the findings contained in the agenda package and the following conditions:

- a. Any change to the preliminary plat will require its re-evaluation by the Planning and Economic Development Department and Engineering Department.

Any substantial change to the preliminary plat will require review and approval by the Planning and zoning Board, Local Planning Agency, and City Council. A substantial change in the preliminary plat includes, but is not limited to: 1) an increase in the number of residential lots in the R-1B portion of the subdivision; 2) any additional streets proposed beyond the proposed Constellation Drive; or 3) any decrease in the required 10% open space for the R-1B portion of the plat.

- b. Once concurrency is approved by the City, any deviation from the uses identified in the concurrency review will require a re-evaluation of traffic impacts by staff.

- c. As previously stated in this report, traffic concurrency will not be certified for any phase of the project until such time as the applicable traffic studies indicate acceptable levels of service on Wickham Road. As such, the project is conditionally approved with the following phasing; however, until concurrency is approved on each phase, development cannot proceed:

- Phase 1: Tracts K (16.773 acres) and Tract M (3.859 acres) zoned C-P.
- Phase 2: 140-lot single-family Pineda Ridge Subdivision (35.31 acres) zoned R-1B.
- Phase 3: Tract L (14.232 acres) (zoned C-P).

- d. Appropriate environmental permits must be obtained as part of the construction plan review process.

- e. All hardwood trees and scrub oaks located outside of the building footprint and parking driveway aisles shall be preserved, and buildings and parking/drive aisles shall be shifted when possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.

- f. The applicant must obtain the necessary permits from Brevard County for Constellation Drive/driveways along Wickham Road.

- g. Only one building permit may be issued on any portion of the plat prior to recordation of the final plat.

Jay Moynahan, President, Pineda Crossing Corporation, agreed with the proposed conditions.

There were no further comments from the public and no disclosures from Council.

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Moved by Palmer/Meehan for approval subject to conditions “a – g”. Motion carried unanimously.

27. PRELIMINARY PLAT APPROVAL (SD-2004-10) HAMLIN TRACE SUBDIVISION: (Public Hearing) A request for preliminary plat approval for an 11-lot residential duplex development on two parcels totaling 5 acres, zoned R-4 (Two-Family Dwelling), located on the north side of Carlton Drive, east of Croton Road. (Owner - Hamlin Trace Development Company) (Representative - Michael Horne, P.E., Soyka Engineering) (P&Z Board - 11/18/04)

Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of the preliminary plat, consisting of a single-sheet plan prepared by William Mott Land Surveying, Inc., of Melbourne, Florida, with a stamped and sealed date of November 12, 2004, with the findings contained in the agenda package and the following conditions:

- a. Any change to the preliminary plat will require its re-evaluation by the Planning and Economic Development Department and Engineering Department.

Any substantial change to the preliminary plat will require review and approval by the Planning and Zoning Board, Local Planning Agency, and City Council. A substantial change in the preliminary plat includes, but is not limited to: 1) an increase of more than two units.

- b. The project must meet the requirements for sanitary sewer (lift station or gravity sewer line) to the satisfaction of the City Engineer prior to construction plan approval.
- c. Appropriate environmental permits must be obtained as part of the construction plan review process.
- d. All hardwood trees and scrub oaks located outside of the building footprint and parking/driveway aisles shall be preserved, and buildings and parking/drive aisles shall be shifted when possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- e. Only one building permit may be issued on the plat prior to recordation of the final plat.

Matt Soyka, representing the applicant, agreed with the presentation.

Moved by Contreras/LaRusso for approval, subject to the conditions noted.

Mrs. Palmer said at the request of residents in the area, she spoke with residents of Carlton Drive who live in the County. She reported that these are large, single-family lots

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on Carlton that have been there many years. And, in her opinion this duplex project seems to be incompatible with the large single-family lots that may one day be part of the City of Melbourne.

There were no further comments from the audience.

Mrs. Walker stated that she can't support this request for the reasons mentioned by Mrs. Palmer.

The question was called. The roll call vote was:

Aye: LaRusso, Meehan, Contreras and Goode

Nay: Walker and Palmer

Motion carried.

28. ORDINANCE NO. 2004-99 (AR-2004-163) OAK HAMMOCK ESTATES: (First Reading/Public Hearing) An ordinance providing for annexation of 43 acres, located at the northwest corner of the intersection of Lake Washington Road and McGraw Avenue. (Owners - Hoekstra Family Limited Partnership #1 and Bernini Family Limited Partnership #1) (Applicant - OHE Development, LLC) (Representative - Robert Renfro) (P&Z Board - 11/18/04)

The City Attorney read the ordinance by title. Mrs. Dittmer briefed Council and reviewed the agenda report. The Planning and Zoning Board unanimously recommended approval of this request. Mrs. Dittmer noted that the applicant was not able to attend the meeting.

Mayor Goode opened the public hearing. There were no comments from the audience.

Moved by Walker/Meehan for approval of Ordinance No. 2004-99. Motion carried unanimously.

29. ORDINANCE NO. 2004-100 (Z-2004-1005) MAYFAIR: (First Reading/Public Hearing) An ordinance rezoning 47.32 acres from R-2 (One-, Two-, and Multiple-Family Residential) on 7.8 acres and R-1B (Single-Family Residential) on 39.52 acres to R-2 (One-, Two-, and Multiple-Family Residential) on 14.264 acres and R-1B (Single-Family Residential) on 33.054 acres, located on the north side of Florida Avenue, west of Aldrin Street.

Attorney Gougelman read Ordinance No. 2004-100 by title. Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of this request.

Phil Nohrr, attorney representing the applicant, stated that they are not increasing the density. This action will allow for a better layout of the property. He commented that the conceptual plan calls for private streets and a gated subdivision.

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There were no comments from the public and no disclosures by Council.

Moved by Palmer/Contreras for approval of Ordinance No. 2004-100. Motion carried unanimously.

Note: The following item was heard immediately following Item #14:

30. ORDINANCE NO. 2004-98 (Z-2004-989B-AD/FOC-2004-03B/LDR-2004-03B) ADULT ENTERTAINMENT DISTRICT: (First Reading/Public Hearing) An ordinance amending Article XVIII (20) and (22), Appendix B to provide locational requirements for all adult entertainment establishments and sexually-oriented businesses. (Applicant - City of Melbourne) (P&Z Board - 11/04/04)

Excerpt from the agenda report: This is the first reading of an ordinance providing for a Zoning Code amendment to Appendix B, Article XVIII, which proposes a change to the current adult entertainment district location. The current district is approximately 937.1 acres, and is located west of Wickham Road, north and south of Eau Gallie Boulevard, east of John Rodes Boulevard, and north of Ellis Road.

The proposed district is 38.8 acres and is located south of Sarno Road, and east and west of North Drive. The proposed district is setback off of any arterial roadways. Distance requirements between schools, churches, parks, and residential areas and bars would remain in effect from the new district. The 500-foot distance requirement between adult entertainment establishments would be removed due to the smaller district size.

Any existing or proposed adult entertainment establishment not located within the proposed district would be considered non-conforming and grandfathered, thus permitting it to continue.

Michael Kahn, special legal counsel to the City of Melbourne to review the Adult Entertainment Code, stated that this is one of three ordinances and it is known as the "locational" ordinance. He noted that he would like Cindy Dittmer to provide a presentation on the technical changes to the ordinance and then he would like Bruce McLaughlin to testify with regard to site availability in the newly created district.

Attorney Gougelman read Ordinance No. 2004-98 by title. Mrs. Dittmer briefed Council and reviewed the agenda report.

Michael Kahn asked Bruce McLaughlin to join him at the podium. Mr. Kahn administered an oath to Mr. McLaughlin.

Bruce McLaughlin, Indian Rocks Beach, Florida, provided his educational background and listed the other jurisdictions where he has assisted Mr. Kahn in the enactment of adult entertainment ordinances (as to the locational issues).

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In response to Mr. Kahn's questions, Mr. McLaughlin provided the following testimony: The question of the availability of sites for adult entertainment is a mixed question of fact and law. He was retained to offer an expert opinion as to whether or not the area that the City has designated as its adult entertainment area is available as a matter of fact and is adequate as a matter of fact.

Mr. McLaughlin stated that he has driven the area, initially with Mr. Kahn and then again this evening, prepared graphics and prepared analyses of the area. He also examined some site plans, the Comprehensive Plan and the Zoning Code.

Mr. Kahn asked if the area designated by Ordinance No. 2004-98 as the adult zone or district has adequate sites. Mr. McLaughlin replied that there are available sites; they are adequate and suitable for some generic commercial use; and they are part of the relevant real estate market. After this ordinance is adopted, there is no doubt that there will be adequate sites for an adult bookstore. However, the question of an adult cabaret needs a little bit of tweaking. The changes could be as simple as inserting a comma in a document, amending the parking regulations, and possibly a minor Comprehensive Plan amendment. He added that the City should be okay until those tweaks can be made.

Mr. McLaughlin referenced a table showing measurements from the initial study area to what are usually called the sensitive uses – parks, schools, day cares, etc. Following a brief discussion he noted that the City is in a good position with regard to the distances. Attorney Kahn added that the distance table will be submitted for the record at the next meeting.

Mr. Kahn submitted a notebook containing the following items as the "Adult Entertainment Record:"

Case Law:

Barnes v. Glen Theater, Inc.; City of Renton v. Playtime Theaters, Inc.; Young v. American Mini Theaters; City of Erie, et al v. Pap's A.M. dba Kandyland; and Schad et al v. Borough of Mount Ephraim.

Ordinances:

Amarillo, Texas; Austin, Texas; Detroit, Michigan; Garden Grove, California; Houston, Texas, Indianapolis, Indiana; Jacksonville, Florida; Los Angeles, California; Macon, Georgia; Manatee County, Florida; Minneapolis, Minnesota; New York, New York; Palm Beach County, Florida; Phoenix, Arizona; St. Johns County, Florida; St. Paul, Minnesota; and Tucson, Arizona.

Studies:

Adult Entertainment Study – 1994 Department of City Planning, City of New York, New York; Final Report to the City of Garden Grove – 1991 City of Garden Grove, California; Adult Entertainment Business in Indianapolis – 1984 Department of Metropolitan Development, Indianapolis, Indiana; Report on Adult Oriented Businesses in Austin – 1986 Special Programs Division, City of Austin, Texas; Reducing Residential Crime and Fear – 1979 National Institute of Law Enforcement and Criminal Justice, Washington, D.C.; Report

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on the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses – 1989 Attorney General State of Minnesota; The Social Life of Small Urban Spaces – 1980 Conservative Foundation 125, Washington, D.C.; Dangerous Situations by M. Warr – 1990 Pages 891-907; Report of Committee on the Proposed Regulations of Sexually Oriented Businesses – 1983 Houston City Council, Texas; Adult Entertainment Businesses in Oklahoma City – 1986 Community Development Department, Oklahoma City, Oklahoma; Defensible Space by O. Newman – 1973 Macmillan Publishing Company; The Physical Environment of Street Blocks and Resident Perceptions of Crime and Disorder by Perkins, Weeks and Taylor 1993; and The Physical Environment of Street Crime: Defensible Space, Territoriality and Incivilities by Perkins, et al – 1993.

Also included in the record are various publications and miscellaneous items. Mr. Kahn stated that this record is for all three ordinances. He briefly discussed the record and stated that the Renton case provides that a governmental entity may limit or regulate the locations of adult entertainment. The studies talk about various secondary effects of adult entertainment. Additionally, the case of Renton provides that the First Amendment does not require a city, before enacting such an ordinance, to conduct new studies or produce evidence independent of that already generated by other cities so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses.

Mrs. Palmer said she did not understand that there was a proposed establishment when this process began and she asked how they have garnered the grandfathering.

Attorney Kahn disclosed that he and Mrs. Palmer have had several discussions about these ordinances. He stated that it is his understanding there is a pending application for an existing adult establishment. The Supreme Court has been very clear that adult dancing is protected by the United States Constitution. The pending application will be grandfathered; however, it comes with all the limitations because it is not in the district.

In response to Mrs. Palmer, Mr. Kahn confirmed that the pending application business is outside of the proposed district as is the existing adult entertainment establishment (Hot Flixx).

Mrs. Palmer asked if the two businesses will still be bound by the ordinances passed tonight even though they will be outside the boundaries of the district. Mr. Kahn said yes and noted that Attorney Gougelman ensured that language was inserted in the ordinance that would provide for that regulation. Even though they are outside of the district, they will be regulated.

Mr. Schluckebier clarified that there is only one existing licensed facility today in the district authorized under the current Code. There is one pending application that has been dragged along for about six months. It remains to be seen whether that pending application will ever grow up to be a fully approved licensed facility.

Mr. LaRusso referenced the pending application and asked if that has to be approved within

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a 30-day period under the Code. The City Manager explained that the pending application is located within the current zone (not the reduced proposed zone). They provided an application in June under the current Code. The City had 45 days to review that and during the review staff discovered that the building and site appurtenances were not completed. Rather than issue a license for a facility that was not completed, the applicant and the City agreed that a full 45-day review would be provided at such time the facility is completed. At this moment the applicant is not licensed, and there has been no appreciable construction activity at that site for four months.

Mayor Goode opened the public hearing. There were no comments from the public.

Moved by Palmer/Walker for approval of Ordinance No. 2004-98. Motion carried unanimously.

31. ORDINANCE NO. 2004-101 AND ORDINANCE NO. 2004-102, ADULT ENTERTAINMENT CODE AND PUBLIC NUDITY: Ordinances repealing Chapter 2.5 and adopting Chapter 2.6, Adult Entertainment Code, and addressing public nudity.

- a. Ordinance No. 2004-101: (First Reading) An ordinance repealing Chapter 2.5 and adopting Chapter 2.6, Adult Entertainment Code, providing for classifications, licensing requirements, licensing procedures, and licensing application fees for adult entertainment establishments and sexually oriented businesses.
- b. Ordinance No. 2004-102: (First Reading) An ordinance prohibiting nudity and sexual conduct in public places, providing definitions, enforcement, and penalties for violation.

Excerpt from the agenda report: The City's consulting attorney, Michael Kahn, has prepared a re-write of the Adult Entertainment Code in the proposed new regulatory ordinance, and has revamped the public nudity ordinance. The new Code, which will be codified as Chapter 2.6 of the Code of Ordinances, regulates the adult entertainment industry by (i) imposing licensing requirements that also provide for suspension and revocation proceedings, as well as prompt judicial review, (ii) identifying classifications of adult entertainment establishments and sexually oriented businesses that better address current trends in the industry, (iii) imposing general and specific regulations for each classification and each licensed premises, (iv) prohibiting certain specific activities at licensed premises, and (v) substituting the classification "escort services" for the current "adult in-home services." The new Code does not require workers to obtain a special permit to work in an adult entertainment establishment or sexually oriented business (like the current Code requires); instead, workers must obtain an occupational license from the City Revenue Division unless they are employees from whose salaries the owner or operator of the adult entertainment establishment deducts federal income and social security taxes. Additionally, the new Code places comprehensive record-keeping requirements on the owners and operators of such establishments and businesses.

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The proposed public nudity ordinance will be codified as the last Article within the new Adult Entertainment Code, Chapter 2.6. The new ordinance goes into great detail to describe, in the most precise language available, those areas of the human anatomy that shall not be displayed in public places and commercial establishments that are not regulated by the Adult Entertainment Code. For example, the Adult Entertainment Code does not apply to bars that are not adult entertainment establishments; the public nudity ordinance will prohibit bar patrons and employees from appearing nude as defined in the ordinance. It will also prohibit thong bathing suits in public pools and other public areas.

Attorney Gougelman read both ordinances by title.

Attorney Kahn, special legal counsel to the City of Melbourne, referenced the previous record that was submitted for the locational ordinance and noted that it also applies to these two ordinances.

Mr. Kahn informed Council that the City does not have a right to restrict or regulate messages based on its content. Adult entertainment has First Amendment protections in its bookstores and its performance establishments. However, the City does have a right to regulate the secondary effects of adult entertainment and sexually oriented businesses.

Continuing, Attorney Kahn said that secondary effects are incident to adult entertainment as evidenced by the studies. Effects include prostitution, higher incidents of crime related to the proximity, adverse health effects, and depreciation of real property values. The importance of the presentation of the studies and the making of this record is set forth in a number of different Supreme Court cases. The City can rely on these cases in the record. A municipality, in adopting regulations, may rely on the experiences of other jurisdictions that have determined adult uses have secondary impacts. That is the relationship of these studies to our ordinances.

Mr. Kahn concluded by saying that these ordinances are state of the art. And, as companion ordinances they are very effective along with the locational ordinance.

Mr. Schluckebier said he reviewed the index of the material presented as the adult entertainment record and compared this with the “whereas clauses” of the various ordinances. He noted that there is a reference to a middle district of Florida case in the ordinances, but it is not included in the material presented as the record.

Mr. Kahn replied that he intends to further supplement the record at second reading.

Moved by Walker/Meehan for approval of Ordinance No. 2004-101. Motion carried unanimously.

Moved by Palmer/Contreras for approval of Ordinance No. 2004-102. Motion carried unanimously.

32. COUNCIL DISCUSSION RE: A request by Council Member Mark LaRusso for discussion

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of a Charter change providing for Council Members to be elected by a majority rather than a plurality of votes.

Mr. LaRusso said that during his campaign he conducted an unscientific questionnaire with 25 voters and 23 were appalled that Council Members are elected by a plurality of votes rather than a majority. He added that there have been sweeping changes in the electoral system and voters are demanding more from their public officials. He asked Council to consider this and allow the voters to determine by referendum whether there should be a change to the Charter.

Moved by LaRusso/Contreras to approve this item along with the preparation of the necessary ordinances.

Mr. LaRusso confirmed for the Mayor that he is not asking for a special election. He would like this voted on in the next available election.

Mrs. Palmer said that she is glad this issue has been brought up again. She noted that with such a small percentage of people voting, it would be nice to see a larger percentage of those elect their Council Members.

A brief discussion followed. The question was called. The roll call vote was:

Aye: LaRusso, Meehan, Walker, Palmer and Contreras

Nay: Goode

Motion carried.

33. COUNCIL ACTION RE: Authorization for the City to join the United States Conference of Mayors and the National League of Cities and transfer of \$11,040 from General Fund Contingency for dues.

From the agenda report: A one-year membership in the United States Conference of Mayors would cost \$4,682. A two-year membership in the National League of Cities would cost \$6,358. If Council agrees with joining these organizations, the \$11,040 is available in General Fund Contingency.

Moved by Goode/LaRusso for approval. Motion carried unanimously.

34. COUNCIL ACTION RE: Board Appointments

- a. Confirmation of the Mayor's reappointment of Joan E. Madden to the Melbourne Housing Authority.

Moved by Walker/Meehan to confirm the Mayor's reappointment of Joan Madden to the Melbourne Housing Authority. Motion carried unanimously. (12/9/2004 – 12/8/2008)

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- b. Appointment of one regular member and one alternate member to the Code Enforcement Board

City Clerk Cathy Wysor asked Council to consider postponing this item until the next meeting to allow time for her to distribute a new application that was received today. Mr. Contreras's motion to postpone did not receive a second.

Mayor Goode called for nominations for the regular member seat. Mrs. Palmer nominated James Teele. Moved by Contreras/Walker to close the nominations. Motion carried unanimously. Moved by Walker/Goode to appoint James Teele. Motion carried unanimously. (12/14/2004 – 10/14,2005, unexpired three year term)

Moved by Contreras/Palmer to postpone appointment of the alternate member until the January 11 Council meeting. Motion carried unanimously.

35. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mayor Goode discussed the need for attendance standards for City Board Members. Following a brief discussion, Council decided to conduct a workshop meeting in the spring to discuss term limits, attendance standards, etc. Council Member Palmer asked that current board members be asked to provide written input prior to the workshop meeting.

Mr. LaRusso discussed the Council policy on funding non-profit organizations, the pre-set limits, and the amount that has been funded over the pre-set limit for the past three years. He asked the City Council to consider sponsoring or providing grants for cadets attending the fire and police academies in order to attract the best employees to Melbourne. Following a brief discussion, Mayor Goode recommended that topic be discussed at a future workshop meeting.

Mrs. Palmer said Council definitely needs to stay within the established parameters and guidelines.

Mrs. Walker referenced the information submitted by Milo Zonka (Item #7) about Jim Johnson. She asked Council to consider placing this on the next agenda for discussion.

Council decided to review the material and contact the City Manager with any questions. If issues remain unanswered or unresolved, Council may place this item on a future agenda for discussion.

Mrs. Meehan said there is a problem in Downtown Melbourne with too much trash and too few dumpsters. The City Manager said he would review the situation.

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Mr. Contreras said he requested crime statistic information from Police Chief Carey. Mr. Contreras noted that murder and robberies have greatly increased over the previous year. He asked that the Police Chief be queried as to what is going on.

Mrs. Palmer asked for a copy of the statistics that were provided to Mr. Contreras.

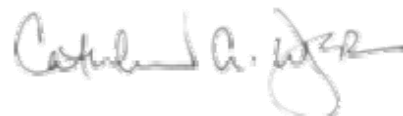
Mr. Schluckebier said that major crimes are down and arrests are up. He added that he would be happy to provide additional detail to Council.

Council asked to be provided with a quarterly report on crime and fire/emergency rescue calls.

36. ADJOURNMENT

Moved by Meehan/LaRusso to adjourn. Motion carried unanimously.

The meeting adjourned at 9:43 p.m.



City Clerk – 12/30/2004

Approved by Council: 1/11/2005